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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------------|------------------------|
| 10/516,823  | 06/01/2005  | Akira Kawahara       | OMY-0041                        | 7306                   |
| 23353 7590 01/10/2008<br>RADER FISHMAN & GRAUER PLLC<br>LION BUILDING<br>1233 20TH STREET N.W., SUITE 501<br>WASHINGTON, DC 20036 |             |                      | EXAMINER<br>FOSTER, CHRISTINE E |                        |
|   |             |                      | ART UNIT<br>1641                | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>01/10/2008         | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10516823                        | 6/1/2005    | KAWAHARA ET AL.                                   | OMY-0041            |

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WASHINGTON, DC 20036

EXAMINER

Christine Foster

| ART UNIT | PAPER |
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1641

20071230

DATE MAILED:

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Commissioner for Patents

The amendments filed on 12/6/07 and 12/18/07 are non-responsive because they amend all claims under examination such that they are no longer directed to the elected invention (MPEP § 821.03). The remaining claims are not readable on the elected invention because the originally elected invention was that of a polyclonal antibody, i.e. a product. Specifically, the instant amendments to claims 20 and 28 to now recite a method of making the antibody do not read on the elected invention of the polyclonal antibody per se. The currently presented claims appear to be directed to the non-elected invention of Group VI (see the requirement for restriction mailed 4/20/06), which was not elected for consideration by Applicant.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

LONG V. LE 01/04/08  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600